

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

SINGULAR COMPUTING LLC,

Plaintiff,

v.

GOOGLE LLC,

Defendant.

C.A. No. 1:19-cv-12551-FDS

Hon. F. Dennis Saylor IV

**DEFENDANT GOOGLE LLC'S
UNOPPOSED MOTION TO IMPOUND/SEAL DESIGNATED MATERIAL**

Pursuant to Local Rule 7.2 and the Protective Order in this case (“Protective Order”), (Dkt. No. 87), Defendant Google LLC (“Google”) respectfully requests that this Court impound (seal) the following materials filed in support of Google’s Supplemental Brief in Support of Its Motion *In Limine* No. 4 (“Supplemental Brief”).

1. An un-redacted copy of Google’s Supplemental Brief.
2. Certain exhibits to the Declaration of Deeva Shah (“Shah Declaration”) that accompanies Google’s Supplemental Brief. The following exhibits to the Shah Declaration contain information that Google has designated as containing “Highly Confidential – Attorneys’ Eyes Only” information.

- **Exhibit 2:** Excerpts from Defendant Google LLC’s Sixth Supplemental Responses and Objections to Plaintiff’s First Set of Interrogatories (Nos. 1-10), dated July 23, 2021;
- **Exhibit 3:** Excerpts from the deposition of Catherine Tornabene, dated April 29, 2021; and

- **Exhibit 4:** Excerpts from Plaintiff’s Discovery Designations for Trial, dated December 7, 2023.

The Protective Order allows a party producing documents in discovery to designate documents as “Confidential” after making a good-faith determination that the documents contain information that is “confidential, proprietary, and/or commercially sensitive information,” and to designate documents as “Highly Confidential – Attorneys’ Eyes Only” after making a good-faith determination that the documents contain information that is extremely confidential and/or sensitive in nature and the disclosure of such documents is likely to cause economic harm or significant competitive disadvantage. Protective Order ¶¶ 6-7. That Order requires that a party intending to make court filings referring to such Protected Material bring a motion to impound. *Id.* ¶ 14.

Google’s above-identified documents contain confidential information designated Confidential or Highly Confidential – Attorneys’ Eyes Only under the Protective Order that is extremely confidential and/or sensitive in nature and the disclosure of such documents is likely to cause Google economic harm or significant competitive disadvantage.

Submission of the above-identified exhibits is necessary to permit the Court to fully evaluate the issues raised in Google’s Opposition to Singular’s Motion to Compel. Google therefore brings this Motion to Impound to seal the above-identified documents. Additionally, Google has publicly filed a redacted version of its Supplemental Brief, which redacts the Google confidential information discussed above, public disclosure of which would risk competitive harm to Google.

For the foregoing reasons, Google respectfully requests that the Court permit it to file the above-identified documents under seal. Google further requests that the documents remain

impounded until further order by the Court, and that upon expiration of the impoundment that the documents be returned to Google's counsel.

Respectfully submitted,

Dated: December 29, 2023

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LOCAL RULE 7.1(a)(2) CERTIFICATION

Pursuant to Local Rule 7.1(a)(2), I certify that, on December 29, 2023, counsel for Defendant Google LLC and counsel for Plaintiff Singular Computing LLC met and conferred in good faith regarding resolution of this motion. Counsel for Plaintiff stated that it does not oppose the relief requested in this motion.

/s/ Nathan R. Speed
Nathan R. Speed

CERTIFICATE OF SERVICE

I certify that this document is being filed through the Court's electronic filing system, which serves counsel for other parties who are registered participants as identified on the Notice of Electronic Filing (NEF). Any counsel for other parties who are not registered participants are being served by first class mail on the date of electronic filing.

/s/ Nathan R. Speed

Nathan R. Speed